

REMARKS

The Final Rejection mailed February 27, 2006, has been carefully considered. In response thereto, the Applicant respectfully submits that the application in its present form is in condition for allowance. Accordingly, reconsideration and withdrawal of the Final Rejection and issuance of a Notice of Allowance are respectfully solicited.

At the outset, the Applicant acknowledges with appreciation the indication of allowable subject matter in claim 50.

Claims 1-49 and 51 have been rejected under 35 U.S.C. § 103(a) over *Slavin et al* in view of *Davis et al*. For the reasons set forth below, the Applicant respectfully traverses.

The Applicant respectfully submits that the rejection is based on hindsight. The claims have previously been amended to recite transmitting the stored value to a remote computer for maintaining account information regarding the electronic toll collection device. The Final Rejection alleges that it would have been obvious to do so in a system based on a combination of the references. However, *Slavin et al* teaches selling a prepackaged transponder with a predetermined value. *Davis et al* teaches transmitting a value to a remote computer to maintain the debit card used to buy an item, not the item itself. Thus, a combination of the applied references, absent hindsight, would not have transmitted the stored value to a remote computer for maintaining account information regarding the electronic toll collection device.

Moreover, regarding claims 45-49 and 51, the self-service maintenance and checking of an account *for an electronic toll collection device* would not have been taught or suggested by the combination of references. The mere fact that the vending

machine terminal of *Davis et al* might store the sale price of the electronic toll collection device has nothing to do with the ability to maintain or check an account regarding that device.

For the reasons set forth above, as well as those set forth in the Amendment filed November 10, 2005, the Applicant respectfully submits that the application is in condition for allowance. Notice of such allowance is earnestly solicited.

In the event there are any questions relating to this Response or the application in general, it would be appreciated if the Examiner would telephone the undersigned concerning such questions so that prosecution of this application may be expedited.

Please charge any shortage of fees, or credit any overpayment thereof, to BLANK ROME LLP, Deposit Account No. 23-2185 (114944-00434). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this submission or is insufficient to render this submission timely, the Applicant hereby petitions under 37 C.F.R. § 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

Kelly Gravelle

A handwritten signature in black ink, appearing to read 'D. Edmondson', with a large, stylized loop at the end.

By:
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